

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

WARREN ERIC ARMSTEAD,

Defendant.

NO. CR04-512MJP

ORDER

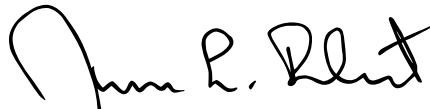
This matter comes before the court upon Defendant Warren Armstead's "Motion to Get New Counsel" (Dkt. # 352).

Mr. Armstead was first represented by appointed counsel William T. Hines who was allowed to withdraw. Defendant's next attorney, Bruce Erickson, requested leave to withdraw due to conflicts and irreconcilable differences, including Defendant's refusal to meet with him. Attorney Michael Martin was then appointed, and subsequently asked to be excused due to a conflict of interest, which Defendant Armstead refused to waive. Attorney Gilbert Levy was then appointed. On the first morning of trial, Mr. Armstead advised the court that he had lost confidence in Mr. Levy, due in part to Mr. Levy's conduct of the suppression hearing. The request for new counsel was considered by the court and denied for the reasons stated on the record. Defendant Armstead has now filed a pro se motion requesting appointment of new counsel, citing "major conflict," "lack of communication" and "irreconcilable difference."

1 Despite citing these reasons, Defendant spends much of his motion commenting on
2 Mr. Levy's performance at trial. This requires the court to evaluate Mr. Levy's
3 performance, especially as Defendant Armstead raises an issue of ineffective assistance
4 of counsel in his motion. The court conducted the trial in this matter and had a full
5 opportunity to observe both the jury and non-jury aspects of the proceeding. It is the
6 court's opinion that Mr. Levy did a competent, effective and professional job in
7 representing the Defendant. The nature of the charges and testimony against Defendant
8 made for a challenging trial but Mr. Levy was well prepared and effective. If any aspect
9 of the trial would be open to question, it would be Defendant Armstead's displays of
10 manipulative and controlling behavior while attempting to refute allegations of being the
11 leader of a multi-party criminal conspiracy.

12 While disagreeing with Defendant Armstead's contention of ineffective assistance
13 of counsel, the court is still faced with representations of failure of communication and
14 irreconcilable conflict. On this basis, the court GRANTS Defendant's motion, relieves
15 Mr. Levy as counsel and directs that new counsel be appointed immediately.

16 Dated this 18th day of April, 2006.

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19 JAMES L. ROBART
United States District Judge